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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement* submitted by the Pasumai Thaayagam Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Justice delayed is justice denied: bring justice to the victims in Sri Lanka

Pasumai Thaayagam Foundation appreciates the UN High Commissioner for Human Rights' visit to Sri Lanka in February 2016. The OHCHR Investigation on Sri Lanka (OISL) report (A/HRC/30/CRP.2) clearly identified and exposed the genocidal nature of the Sinhala Buddhist majoritarian government's concerted actions in committing war crimes and crimes against humanity and correctly identified these as "system crimes." Full implementation of the resolution (HRC/RES/30/1) as agreed to by the Government of Sri Lanka as a co-sponsor will pave the way for the resolution of the longstanding conflict.

Even though the OISL report based on individual testimonies, direct interviews of victims, authentic videos corroborated by technical experts, satellite photos, and past documented evidence, presented a ray of hope for finding the truth, the final resolution ignored this report to satisfy the diktats of the Government of Sri Lanka which is clearly accused of war crimes and system crimes. The call in the UNHRC resolution for the Government of Sri Lanka, which stands accused by the OISL Report, to investigate itself under a constitution and laws that facilitate the continuing genocide of the Eelam Tamils makes the principles of natural justice a mockery. Unfortunately, the President of Sri Lanka re-affirmed his intention to conduct the inquiry within the current constitution[1] which will exclude any meaningful international mechanism, thus reversing the assurance given by the GoSL representative co-sponsoring the UNHRC resolution.

The call for an international investigation was necessitated by the denial of justice by successive governments of Sri Lanka including the current one. Under these circumstances the full implementation of the UNHRC resolution will only do justice to the victims. Despite a spotlight being shown on Sri Lanka the human rights violations continue unabated. Just weeks prior to the UN High Commissioner for Human Rights' visit to Sri Lanka, a six-year old Tamil boy was raped and murdered near the Sampur High Security Zone in eastern Sri Lanka[2]. All circumstantial evidence point to the Government of Sri Lanka Navy personnel located nearby in the Eastern part of the island. Lands forcibly taken from the Tamils have not been returned to them while the victims are languishing in camps.

Despite the watered down resolution, Pasumai Thaayagam Foundation (PTF) along with the International Council of Eelam Tamils (ICET) is closely watching every step of the mandated investigation. Justice delayed is justice denied. Therefore, PTF and ICET urge the Human Rights Council and the OHCHR to be cognizant of the past documented history of denial of justice by the Government of Sri Lanka and institute a mechanism that has the confidence of the victims

Since the UNHRC resolution 30/1 calls for an oral update to the Human Rights Council at its thirty-second session, and a comprehensive report followed by discussion on the implementation of the resolution at its thirty-fourth session; PTF and ICET will be closely monitoring compliance and progress made in this respect. PTF and ICET humbly request the Human Rights Council's and the UN High Commissioner for Human Rights' continued vigilance in bringing justice to the victims.

International Council of Eelam Tamils (ICET), an NGO without consultative status, also shares the views expressed in this statement.

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[1] Investigation into war crime charges should be 'internal' and indigenous – Sri Lankan President, Asian Tribune 23 January 2016 http://www.asiantribune.com/node/88475

[2] Gruesome Murder Shatters Trinco, The Sunday Leader, 7 February 2016 http://www.thesundayleader.lk/2016/02/07/gruesome-murder-shatters-trinco/